

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1, 3-5, 7-10, 12-13, 15, 17, 19-20 and 22-26 are pending in the application. Claims 11 and 21 have been cancelled without prejudice or disclaimer. Some of the remaining claims have been amended to better define the claimed invention. No new matter has been introduced through the foregoing amendments.

The repeated 35 U.S.C. 103(a) rejection relying primarily on *Robles* is traversed for the reasons detailed in the previous Amendment papers. The rejection is also deemed erroneous because the primary reference of *Robles* provides absolutely no suggestion or motivation to bond the side flaps to the diaper in the claimed manner, i.e., at two transversely spaced distinct positions (fixing v. joint parts) and with a bonding-free zone in between. The reference discloses an embodiment in Fig. 12 where two bonding portions at 72 and 78 are spaced in the longitudinal direction.

Notwithstanding the above and solely for the purpose of expediting prosecution, Applicants have further amended independent claims 1 and 24 to include certain limitations of claims 11 and 24, respectively. The amended independent claims now recite that "each of the side flaps is fixed to the diaper body at (i) a fixing part being arranged adjacent and along an inner edge of the inner end of the respective side flap, (ii) a first joint part located at an upper part of the inner end of the respective side flap, and (iii) a second joint part located at a lower part of the inner end of the respective side flap, the lower part being spaced in the longitudinal direction from the upper part, and the fixing part being spaced, in the width direction of the diaper body, from the joint parts by a bonding-free region in which the side flap is free of direct attachment to the diaper body."

In the invention of amended claim 1, each of the side flaps is fixed to the diaper body at three distinct locations, namely, a fixing part, a first joint part, and a second joint part. The fixing part is means for fixing the side flap to the diaper body. On the other hand, the first joint part and the second joint part are means for dispersing the pulling or tensile force. That is, the fixing part and the two joint parts have different functions. Thus, each of the side flaps is fixed to the diaper body at three distinct location/parts having two distinct functions. Due to the two different functioning parts being provided, the claimed invention can disperse the tensile force without employing such a complex configuration as that of the Robles extensible side panels.

In contrast, regarding the prior art of Robles, each of the side flaps is fixed to the diaper body only at a first joint part (upper 80 in Fig. 1) and a second joint part (lower 80 in Fig. 1). In other words, each of the Robles side flaps is fixed to the diaper body by two parts having a single function.

In Robles, the tensile force is dispersed by way of a folded (Fig. 12) 02 joined (Fig. 11) configuration of the extensible side panel; however, the first joint part (72 in Fig. 12) and the second joint part are (78 in Fig. 12) are used only for fixing the side flap to the diaper body. Therefore, the Robles configuration is different from the claimed invention, and there is no teaching 02 suggestion in Robles to disperse the tensile force by longitudinally spaced joint parts as presently claimed.

Accordingly, Applicants respectfully submit that the amended independent claims are patentable over the applied art of record.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable

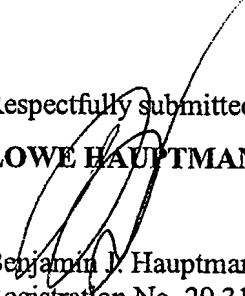
indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: June 11, 2007